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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6560 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DR.RAJNATH S. PANDEY

Versus

SECRETARY

GOVERNMENT OF GUJARAT

Appearance:

MR TR MISHRA for Petitioner

MR VB GHARANIA ASSTT GP for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 25/08/98

ORAL JUDGEMENT

Heard. By way of this petition, the petitioner, litigant before the Board of Nominee at the relevant point of time prayed for calling of the records and proceedings of Lavad Suit No. 1458 of 1995 in which he was the plaintiff and for directing respondents nos. 1 and 2, Secretary to the Government of Gujarat, Cooperation Department and the Registrar, Cooperative Societies, Gujarat State respectively to investigate into the complaints made by the petitioner and submit the report before this Court.

2. I have heard the learned advocates appearing for the rival parties. It is a fact that the respondent No. 4 who was reemployed as a Board of Nominee is now not a Board of Nominee and, therefore, in so far as he is concerned, the grievance made by the petitioner in this petition which would relate to his continuance as a Board of Nominee will not survive. In fact, in substance, the petition appears to have been directed against respondent No. 4 who was at that point of time a Member Nominee of the Board of Nominees. In that view of the matter, in substance, the petition has become infructuous. However, it appears from the averments made in the petition that there was grievance made by the petitioner before the Government about the removal of Exh. 87, 88 and 90 from the records and proceedings of Lavad Suit No. 1458 of 1995 and tampering of Exh. 88, 89, 92 and 93 by rewriting Exhibit numbers as 87, 88, 89 and 90 respectively. In my opinion, such complaint which has a reference to removal of the documents from the Court Record and which has a reference to tampering of the documents of the Court record would at least deserve investigation at the hands of the Government. That having not been done so far, following direction is required to be issued :

Respondents nos. 1 and 2 will inquire into the matter and take decision with regard to whether the complaint made by the petitioner as regards aforesaid documents is correct and if so, whether any responsibility can be fastened upon any person in that respect. If necessary, the matter might be referred to

for investigation by the police. Respondents nos. 1 and 2 will undertake the exercise as per the aforesaid direction within a period of four weeks from the date of receipt of this direction. In so far as respondent No. 4 is concerned, no direction is required to be issued and Mr. Mishra, learned advocate appearing for the petitioner does not press for issuance of any direction against respondent No. 4 in view of the fact that respondent No. 4 is now not a Nominee in the Board of Nominees.

In view of what is stated above, Mr. Mishra seeks leave to withdraw this petition. Leave is granted. Petition is disposed of as withdrawn. Rule is discharged. No order as to cost.

Vyas